

AMENDED IN SENATE JULY 15, 2010

AMENDED IN SENATE JUNE 15, 2010

AMENDED IN ASSEMBLY APRIL 14, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 1838

Introduced by Assembly Member Bill Berryhill

February 12, 2010

An act to add and repeal Sections 3485.5 and 3486.5 of the Civil Code, relating to unlawful detainer.

LEGISLATIVE COUNSEL'S DIGEST

AB 1838, as amended, Bill Berryhill. Unlawful detainer: controlled substances and firearms.

Existing law establishes the criteria for determining when a tenant is guilty of unlawful detainer, including conduct involving illegally selling a controlled substance, or the commission of an offense involving the unlawful possession or use of illegal weapons or ammunition or the use of the premises to further that purpose. Any of those acts may be deemed to constitute committing a nuisance on the premises.

Existing law authorizes, in specified counties, until January 1, 2014, a city prosecutor or city attorney to file an action for unlawful detainer in the name of the people against any person who is in violation of the nuisance or the illegal purpose provisions of the unlawful detainer provision described above, with respect to controlled substances or unlawful weapons or ammunition. These provisions also impose specified reporting requirements regarding the implementation of these programs upon the city attorney and city prosecutor of each participating jurisdiction. The information compiled pursuant to these provisions is

reported annually to the California Research Bureau on or before January 30 of each year. The California Research Bureau is required to report to the Legislature, as specified.

This bill would, *until January 1, 2012*, permit the county district attorney in the County of San Joaquin to file an unlawful detainer action, under *specified circumstances, in accordance with* these provisions. ~~This bill would also state the Legislature's intent that the County of San Joaquin fully participate in the existing pilot program under these provisions. This bill would require the district attorney in the County of San Joaquin to file the report required to be submitted to the California Research Bureau on or before December 31, 2011.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. It is the intent of the Legislature that the County~~
2 ~~of San Joaquin shall fully participate in the existing pilot project~~
3 ~~authorized by Sections 3485 and 3486 of the Civil Code, and to~~
4 ~~ensure that the pilot project produces an appropriately wide range~~
5 ~~of data, that the district attorney in the County of San Joaquin shall~~
6 ~~report information to the California Research Bureau in the same~~
7 ~~manner as other participating jurisdictions.~~

8 ~~SEC. 2.—~~

9 ~~SECTION 1.~~ Section 3485.5 is added to the Civil Code, to read:
10 3485.5. (a) The county district attorney may file an action for
11 unlawful detainer pursuant to and in accordance with all of the
12 provisions of Section 3485 in any court in the County of San
13 Joaquin having jurisdiction over unlawful detainer cases involving
14 real property situated in the County of San Joaquin, *except that*
15 *the filing of an action described in subdivision (a) of Section 3485*
16 *shall only be based on an arrest report, which may be documented*
17 *by a county sheriff deputy as well as a police officer. No more than*
18 *five notices described in subparagraph (A) of paragraph (1) of*
19 *subdivision (a) of Section 3485 may be filed in a calendar year by*
20 *the county district attorney pursuant to this section.*

21 (b) *The district attorney in the County of San Joaquin shall*
22 *report the information as required by subdivision (g) of Section*
23 *3485 to the California Research Bureau, except that the district*
24 *attorney shall make this report by December 31, 2011.*

1 ~~(b)~~

2 (c) This section shall remain in effect only until January 1, ~~2014~~
3 2012, and as of that date is repealed, unless a later enacted statute,
4 that is enacted before January 1, ~~2014~~ 2012, deletes or extends
5 that date.

6 ~~SEC. 3.~~

7 SEC. 2. Section 3486.5 is added to the Civil Code, to read:

8 3486.5. (a) The county district attorney may file an action for
9 unlawful detainer pursuant to and in accordance with all of the
10 provisions of Section 3486 in any court in the County of San
11 Joaquin having jurisdiction over unlawful detainer cases involving
12 real property situated in the County of San Joaquin, *except that*
13 *the filing of an action described in subdivision (a) of Section 3486*
14 *shall only be based on an arrest report, which may be documented*
15 *by a county sheriff deputy as well as a police officer. No more than*
16 *five notices described in subparagraph (A) of paragraph (1) of*
17 *subdivision (a) of Section 3486 may be filed in a calendar year by*
18 *the county district attorney pursuant to this section.*

19 (b) *The district attorney in the County of San Joaquin shall*
20 *report the information as required by subdivision (g) of Section*
21 *3486 to the California Research Bureau, except that the district*
22 *attorney shall make this report by December 31, 2011.*

23 ~~(b)~~

24 (c) This section shall remain in effect only until January 1, ~~2014~~
25 2012, and as of that date is repealed, unless a later enacted statute,
26 that is enacted before January 1, ~~2014~~ 2012, deletes or extends
27 that date.